

UNITED STATES DISTRICT COURT  
For the District of Massachusetts

C.A. No. 03-12502 NMG

FILED  
2004 AUG -6 PM 11:41  
DISTRICT COURT  
DISTRICT OF MASS

HARTFORD FIRE INSURANCE  
COMPANY,

Plaintiff,

VS.

EASTERN CONTRACTORS, INC.

Defendant/Third-Party  
Plaintiff

VS.

CITY OF LAWRENCE, CITY OF FALL  
RIVER AND FREETOWN/LAKEVILLE  
REGIONAL SCHOOL DISTRICT

Third-Party Defendants

MOTION FOR ENLARGEMENT OF TIME FOR THIRD PARTY DEFENDANT  
CITY OF FALL RIVER TO FILE ANSWER AND COUNTERCLAIM


Now Comes the Third-Party Defendant City of Fall River (the "City") and moves this Honorable Court pursuant to Fed. R. Civ. P. 6(d) for an order enlarging the time for the City to file its Answer to Defendant/Third-Party Plaintiff Eastern Contractors, Inc., ("Eastern") Third-Party Complaint until and including Thursday, August 5, 2004. The City offers the following reasons in support of its motion:

1. According to the Court's records, Eastern served its Third-Party Complaint on the City on March 12, 2004.
2. Pursuant to Fed. R. Civ. P 12(a), the City's Answer was due on or before April 1, 2004.
3. There has been no request to the Court by any party that an entry of default be filed against the City for its failure to timely answer Eastern's Third-Party Complaint.
4. The Local Rule 16.1 Scheduling Conference in this action is not scheduled to take place until August 12, 2004.
5. No party will suffer prejudice by the granting of this Motion.
6. The City has meritorious defenses against Eastern's claims and Eastern has been aware of the City's position since prior to the commencement of this action.
7. The City has also filed a Motion to Stay Litigation and Compel Third-Party Plaintiff Eastern to Arbitrate pursuant to the Contract entered into between Eastern and the City and MGLA Chapter 251 section 2.
8. Given the countervailing equities of no substantial prejudice to any party involved in this action and the importance of granting all parties an opportunity to be heard and have their day in court the City's Motion should be allowed.

WHEREFORE, Third-Party Defendant City of Fall River respectfully requests that this Honorable Court enter an order enlarging the time in which the City must answer Defendant/Third-Party Plaintiff Eastern Contractors, Inc.'s Third-Party Complaint until

and including Thursday, August 5, 2004 and granting such further relief this Honorable Court deems just and equitable.

Respectfully submitted,  
Third party Defendant City  
of Fall River  
By its attorneys,



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Dated: August 2, 2004